

REMARKS

In accordance with the foregoing, the specification and claims 27, 28 and 30 have been amended. Claims 23-26 and 29 have been cancelled. Claims 1-32 are pending and under consideration.

OBJECTION TO THE TITLE:

In the Office Action, at page 2, item 1, the Examiner objected to the title as not being descriptive. In view of the proposed amended title set forth above, the outstanding objection to the title should be resolved.

REJECTION UNDER 35 U.S.C. § 112:

Claims 1-12 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

The Office Action sets forth that "the applicant claims determining the type of disc by comparing the RPM with a first reference value. However, there is only a showing of comparing the RPM with a second reference value and not a first."

By way of review, paragraph [0010] of present application clearly sets forth that "According to an aspect of the present invention, a method of identifying a type of a disc includes the operations of detecting an RPM (Rotation Per Minute) of the disc, and identifying a first disc type by comparing the RPM with a first reference value." As such, it is respectfully submitted that the rejection of claims 1-12 be withdrawn and the claims 1-12 be allowable.

REJECTION UNDER 35 U.S.C. § 102:

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Oonishi (US Patent No. 5,295,125).

The Office Action sets forth that Oonishi teaches a method of identifying a type of a disc, comprising: detecting an RPM (Rotation Per Minute) of the disc; and identifying a first disc type by comparing the RPM with a first reference value (fig. 6 see also column 7 lines 65-68 and column 8 lines 1-6).

By way of review, Oonishi discloses "the substrate discriminating circuit 71 which detects, a time t1 or t2 required from the start of rotation of the optical disc until the disk reaches a predetermined rotating speed as substrate discriminating means, a known rotating speed detecting system or circuit 70 which detects the rotating speed of the optical disk on the basis of an output signal of the rotary motor 60 concerning the rotating speed, and the substrate discriminating circuit 71 which detects, a time t₁ or t₂ required from the start of rotation of the optical disk until the disk reaches a predetermined rotating speed ., on the basis of an output signal of the rotating speed detecting circuit 70 to discriminate the material of the disk substrate in accordance with whether the detected time t₁ or t₂ is longer or shorter than a predetermined reference time t₀ that is, whether a time difference from the reference time t₀ is positive or negative (see FIG. 6). The substrate discriminating circuit 71 is provided with a timer which starts the timing operation upon start of the rotation of the motor 60 and stops the timing operation when the predetermined rotating speed is reached or detected."(col. 7, line 64 to col. 8, line 10).

As noted above, Oonishi discloses substrate discriminating circuit but fails to disclose "identifying a first disc type by comparing the RPM with a first reference value" as recited in claim 1.

As such it is respectfully submitted that Oonishi does not disclose the invention recited in claim 1.

Claims 2-7 are deemed patentable due at least to their depending from claim 1.

Regarding claim 8, In addition, as the Office Action appears to base the rejection of independent claim 8 on similar rationale as independent claim 1, and with independent claim 8 including features similar to independent claim 1, with differing scopes and breadths, it is respectfully requested the rejection of independent claim 8 also be withdrawn and independent claim 8 be allowed. With independent claim 8 being in allowable condition, it is respectfully submitted that claims 9-12, which depend from claim 8, are also in proper condition for allowance.

Claims 23-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogihara (US Patent No. 6,868,051).

Claims 23-26 have been canceled without prejudice or disclaimer.

Regarding claim 27, the Office Action asserts that Ogihara discloses a constant linear velocity.

By way of review, Ogihara discloses "the servo controller 106 also controls the rotation of the spindle motor 102. The optical disk 101 is driven to rotate at a constant linear velocity (CLV) at the time of recording and reproducing." (col. 2, lines 61-64) but fails to disclose "a spindle motor that rotates the disc based on FG (Frequency Generation) signals" as recited in amended claim 27. As such, for at least the above, it is respectfully requested that this rejection of amended claim 27 be withdrawn and amended claim 27 be allowed.

Claims 16 and 29 have been canceled without prejudice or disclaimer.

ALLOWABLE SUBJECT MATTER:

Claims 28 and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Thus, claims 23 and 29 have been cancelled and the limitations thereof have been incorporated into independent claims 28, 30 and 31. Thus, reconsideration of claims 28, 30 and 31 is respectfully requested.

Claims 2-7 and 9-12 would be allowable if rewritten to overcome the rejection(s) under U.S.C. 112 second paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. As mentioned above, reconsideration of the rejection of claims 2-7 and 9-12 is respectfully requested based upon the reasons mentioned above.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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